



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,622	09/28/2001	Daniel Canon	9D-RG-19584	2283

23465 7590 09/25/2003

JOHN S. BEULICK
C/O ARMSTRONG TEASDALE, LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST LOUIS, MO 63102-2740

[REDACTED] EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
3743	[REDACTED]

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/682,622	CANON, DANIEL
Examiner	Josiah C. Cocks	Art Unit 3743

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003 .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-7 and 9-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 3-7 and 9-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) Interview Summary (PTO-413) Paper No(s). _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed 7/11/03 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art Figure 3 in view of *Six et al.* (US 4,519,771) (cited by applicant)
Applicant's prior art Figure 3 shows an ignition module (56) for a flame burner (22) and method of installing such an ignition module to an electrical system wherein the electrical system includes phase (72) and neutral (76) conductors and a ground conductor (78) with the phase conductor connected to the first input (80) of the ignition module and the ground conductor connected to the second input (82) of the ignition module (see hatched line connection at junction box). Applicant's prior art Figure 3 also shows an AC power source (42), and a junction box (72).

Applicant's prior art Figure 3 does not show the use of an isolation transformer and the details of the transformer structure and location.

Six et al. teaches an ignition module (25) for a flame burner (1) and a method of installing the module to an electrical system in the same field of endeavor as Applicant's prior art Figure 3 wherein *Six et al.* teaches the use of an isolation transformer (6) having primary winding (6a) and secondary winding (6b) wherein the isolation transformer is arranged and located to isolate the part of the circuit comprising the burner and igniter from the AC supply source (see col. 1, line 63 through col. 2, line 12). *Six et al.* also discloses that it is specifically desirable that the conductor (3) connecting the isolation transformer, the ignition module, and the burner be electrically grounded (see col. 3, lines 34-36).

Therefore, in regard to claims 1, 3-7, and 9-12, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify applicant's prior art Figure 3 to incorporate the isolation transformer of *Six et al.* as an isolation transformer is desirably included to provide simple coupling to the control and safety elements of the system in a way that reduces costs and reduces the number of elements that make up the system (see *Six et al.*, col. 1, lines 50-59 and col. 2, lines 13-23). Further the system of *Six et al.*, which includes an isolation transformer, facilitates the isolation of the part of the circuit comprising the burner and the electrode from the AC power supply source (see *Six et al.*, col. 1, lines 60-63) and, therefore, when applicant's prior art Figure 3 is modified to include the isolation transformer of *Six et al.*, this transformer would necessarily be located between the junction box and ignition module.

Response to Arguments

4. Applicant's arguments filed 7/11/03 have been fully considered but they are not persuasive. Applicant argues that there is insufficient motivation to combine applicant's

admitted prior art Figure 3 with the teachings of *Six et al.*, and *Six et al.* does not describe an igniter connected to the isolation transformer. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, a person of ordinary skill in the art, in possession of the disclosure of applicant's admitted prior art Figure 3, would be prompted to include the use of an isolation transformer as such a transformer is identified by *Six et al.* to provide simple coupling to the control and safety elements of the system in a way that reduces costs and reduces the number of elements that make up the system (see *Six et al.*, col. 1, lines 50-59 and col. 2, lines 13-23). Further, a person of ordinary skill in the art would reasonably locate the isolation transformer of *Six et al.* between the junction box and ignition module shown in applicant's admitted prior art Figure 3, as this location enables the isolation transformer to perform its intended function of facilitating the isolation of the part of the circuit comprising the burner and the electrode from the AC power supply source (see *Six et al.*, col. 1, lines 60-63).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached at (703) 308-0101. The fax phone numbers for this Group are (703) 308-7764 for regular communications and (703) 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
September 19, 2003


JOSIAH COCKS
PATENT EXAMINER
ART UNIT 3743